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Cc: [Donaldson, Guy](#); [Shar, Alan](#); [Stenger, Wren](#); [Lawrence, Rob](#); [Smalley, Bryant](#); [Foster, Althea](#); [Restivo, Angela](#); [Gustafson, Kurt](#); [Kodish, Jeff](#); [Jones, John-L](#); [R6HarveyInfo](#)
Subject: Summary of Waiver Call Tuesday, September 5, 2017 1 pm CT
Date: Tuesday, September 5, 2017 2:23:57 PM

Hello John et al,

Summary of our fuel waiver call today, Tuesday, September 5th at 1pm:

Participants: EPA HQs, OGC, OTAQ, OECA, R6, and TCEQ:

Jeff Kodish announced that there is no formal agenda today and that EPA has granted waivers for everything at this point.

There is an on-going need to discuss possibly granting an extension of the waivers and three areas of focus are needed:

- Issue of comingling RBOB fuel with conventional gasoline. A comingling waiver could help with the movement of fuel, fungibility
- Texas SIP requirements waiver
- Red dye waiver

Other issues: restarts, ports and pipelines.

Jeff stated that the colonial pipeline is back up today.

TCEQ (Minor) stated that the ports of Corpus and Houston are open, he just was not sure to what extent.

Minor also stated that he was receiving calls from the regulated community about support for extending the waiver to allow for 11.5 fuel to 10/1.

There is a concern about it not making sense to require 7.8 RVP fuel after 9/15 and then go back to 11.5 fuel in a very short period of time.

Keith (TCEQ) again mentioned that there is a 7 to 10 day turnaround for these fuels.

Minor also stated that the Texas Oil & Gas Association is polling members to see if there is support for a waiver extension.

Fuel availability is still an issue in certain parts of states – DFW area and St. Louis for example

OECA has issued a No Action Assurance for the Use of Vapor Recovery Systems in Texas Related to Hurricane Harvey (September 1, 2017). EPA will exercise its discretion not to pursue enforcement for violations of the vapor recovery requirements for fuel loading and unloading under 40 CFR Part 60 Subpart XX and Part 63 Subparts, R, Y, CC, BBBB, and 30 Texas Administrative Code sections 115.212, .214.

TCEQ stated that they appreciate the No Action Assurance and mentioned the possibility of needing that extended to 10/1 as well.

The IRS has expanded the red dye fuel waiver to cover the entire state of Texas, not just the 110 counties as before.

Texas asked if EPA would need another waiver request from Texas to extend the waiver to 10/1, or could EPA issue that without receiving anything from Texas. EPA stated that we do not need another request in order to act, but it is better to receive it.

Refinery Shutdowns

No update provided

Louisiana (LDEQ)

Not on the call

ODEQ

Not on the call.

Other States

Not on the call.

R4 Participation

Not on the call.

Butane Storage Locations/Containment Issues

No updates.

Next Steps

- EPA is still gathering all information related to the extensions mentioned above and we will discuss that in our upcoming calls.
- Continue with our daily call at 1 pm CT - Next call tomorrow, Wednesday, September 6th at 1 pm CT.

If you have any questions, or need to add anything, please do let me know.

John

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